

July 15, 2022 2:36 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY:JMW SCANNED BY: KB 7-15UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGANTroy L. Jones Jr. #402254**1:22-cv-645****Paul L. Maloney****United States District Judge**

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

v. Sheriff Frank Baker et al.

(Enter above the full name of the defendant or defendants in this action.)

COMPLAINT**I. Previous Lawsuits**

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes No

B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

U.S. District Court - western District

2. Is the action still pending? Yes No

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes No N/A

4. Is the appeal still pending? Yes No N/A

a. If not pending, what was the decision on appeal? N/A

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes No

If so, explain: N/A

II. Place of Present Confinement Allegan County Jail

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

Incident occurred during arrest on Jan. 10, 2021

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Troy L. Jones Jr.

Address 640 River St. Allegan, MI 49010

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Deputy ?? Koster

Position or Title Deputy with the Allegan County Sheriff Dept.

Place of Employment See above 640 River St. Allegan, MI 49010

Address See above

Official and/or personal capacity? OFFicial and Personal Capacity

Name of Defendant #2 Deputy ?? MYSLIWIEC

Position or Title Deputy/Patrol Officer

Place of Employment Allegan County Sheriff Dept.

Address 640 River St. Allegan, MI 49010

Official and/or personal capacity? OFFicial and Personal

Name of Defendant #3 Frank Baker

Position or Title Sheriff

Place of Employment Allegan County Sheriff Dept.

Address 640 River St. Allegan, MI 49010

Official and/or personal capacity? OFFicial and Personal Capacity

Name of Defendant #4 Mike Larson

Position or Title UnderSheriff

Place of Employment Allegan County Sheriff Dept.

Address 640 River St. Allegan, MI 49010

Official and/or personal capacity? OFFicial and Personal

Name of Defendant #5 *Allegan County Sheriff's Dept. and the

Position or Title Allegan County Jail REFUSE TO PROVIDE

Place of Employment ME WITH Dep. Koster & Dep. MYSLIWIEC

Address

Official and/or personal capacity?

First Name:

IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

On Jan. 10, 2021, I was arrested by two deputies employed by the Allegan County Sheriff's Department. Prior to arrest I had been involved in a single vehicle accident which is why the police were on scene. * NOTE - MY arrest had nothing to do with the accident. I was arrested for violation of a bond condition - NON-VIOLENT. I received injuries in the Tractor-trailer Crash (I am a professional OTR truck driver). I was evaluated by Wayland EMS on scene. I refused off-site medical treatment (trip to hospital) only to stay on scene to locate my missing dog... my furry, surrogate, child. Upon exiting the ambulance I immediately proceeded to speak with Deputy Kaster who confirmed that I had injuries from the crash. Dep. Kaster also verified that I refused medical treatment so I can stay on scene to locate my dog. I was aware that I would be arrested for violation of a bond condition yet I chose to stay on scene. I then went to stand next to my wife, Diana Janer, and Deputy Evers. We were discussing my missing dog. It was at that time that Deputies Kaster and Myslakiewic approached me from behind - stealthily - and each of them very aggressively, forcefully, grabbed both of my arms simultaneously. They immediately, even before announcing that I was under arrest, began wrenching my arms behind my back in an upward motion. The police report indicates that I was complying but then began yelling at them. I did raise my voice (shout) that they were hurting me and that it was causing an excruciating amount of pain. I was then handcuffed and placed in the back of the patrol car. I was transported to the Allegan County Jail where I was held until my arraignment on January 11, 2021.

IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

Cinting, unbearable, pain in my right (intured) Shoulder. The deputier continued to push my arms higher up, towards my shoulders, behind my back. (Remember both officers were aware-upon my exiting the ambulance - that I had a severe Shoulder intury-Stated in the attached police report). At this point, as stated in the police reports- due to wet debris on the ground, I lost my footing. Both deputiers slammed me to the ground. Both deputiers then placed their knee on the back OF my knee's applying all their weight to the back OF my knee's. (my right knee had also been intured in the accident). They continued to push my arms, towards my shoulders, behind my back. The excessive pressure on my right knee Coupled with the overly Forceful/Aggressive wrenching OF MY intured right arm Caused unbearable, unnecessary, pain. At that point I Felt Something Snap in my right shoulder. The pain was so overwhelming I passed out briefly. When I regained Consciousness I was CUFFed using two sets of handcuffs- As stated in the police report. The only time two sets of CUFFS are utilized is when a detainee is obese (I am not-I am 6'2 190lbs.) or the detainee is intured.

I cannot understand why deputier Koster and mysliewiec Felt it necessary to use such excessive and overwhelming force. I was aware that I would be arrested. I was intured. They both knew I was intured. I chose to remain on scene awaiting arrest while looking for my dog. When

IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

they snuck up behind me and grabbed a hold of me I was standing within a few feet of Deputy Evert engaged in a peaceful, but melancholy, discussion concerning my fear regarding my missing dog - I WAS POSING NO THREAT OR AGGRESSIVE BEHAVIOR. When they forcefully grabbed me and I announced they were hurting me they became more aggressive and more forceful. Their use of excessive force exacerbated the shoulder injury causing a full tear of the rotator cuff in my right shoulder and permanent ligament and cartilage damage in my right knee. I now suffer chronic pain and loss of full function in both my right shoulder and right knee. Surgical repair will be required for both. Though even with surgical repair full function, and absence of pain, will likely not be achieved. I utilized the Allegan County Sheriff's Dept., Citizen Complaint Procedure to seek redress of this issue. I filed individual complaints on Dep. Karter and Dep. Mysliwiec. My complaints were ignored by Sheriff's Dept. Personnel, i.e. Sheriff Frank Baker and Undersheriff Mike Larson, and remain unanswered nine (9) months after filing.

Individual Actions:

Deputy Karter's (ACSD & ACJ) refuse to provide

IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

me with Deputy First name's actions, as previously outlined, were objectively unreasonable in light of the facts and circumstances confronting him at the time of the incident. Plaintiff also contends that Dep. Karter's actions also crossed the line, during the incident, into the realm of being sadistic and malicious intended to cause injury and pain. Plaintiff contends that Dep. Karter violated his 4th and 8th Amendment rights, violated my 4th Amend. right to be free of unreasonable seizure, excessive force and 8th Amend. right to be free of cruel and unusual punishment.

Deputy Myslwiec's actions, and my claims, are identical to Deputy Karter.

Sheriff Frank Baker's - abdicated his duty to supervise and monitor use of force deliberately permitting a pattern of excessive force to develop and persist. Sheriff Baker has failed to adequately train deputies and has failed to adequately investigate citizen complaints raising the issue of excessive force. Plaintiff sues based on a violation of his 4th Amend. right to be free from unreasonable seizure and excessive force.

Under Sheriff Mike Larson - identical to actions of Sheriff Baker. Same 4th Amend. claim.

V. Relief

State briefly and precisely what you want the court to do for you.

I am seeking monetary compensation in the form of compensatory damages to cover lost wages for 3 months while I recuperate from surgery and to cover all medical costs. I am seeking punitive damages against all four defendants. I may also be seeking injunctive and/or declaratory relief. I pray for any other relief this Honorable Court deems appropriate.

JULY 11, 2022

Date



Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

TROY L. JESER JR.
640 River St.
Allegan, MI 49010



C/o U.S. District Court - Western District of Michigan

Attn: Clerk of the Court

399 Federal Bldg.
110 Michigan St. N.W.
Grand Rapids, MI 49503

49503-230099